

## Message Text

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ORIGIN L-03

INFO OCT-01 NEA-10 ISO-00 SCS-03 SCA-01 DHA-02 H-01 IO-13  
CIAE-00 INR-07 NSAE-00 /041 R

DRAFTED BY L/M:HFSHAMWELL,JR  
APPROVED BY L/M:KEMALMBORG  
SCA/SCS - MS. FOWLER  
NEA/ARN - MR. CAROLAN

- -

-----240730Z 116085 /10

R 232229Z DEC 76  
FM SECSTATE WASHDC  
TO AMEMBASSY DAMASCUS

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E.O. 11652: N/A

TAGS: LGEN

SUBJECT: ACCESS TO DETAINED AMERICAN CITIZENS

REF: DAMASCUS 7703

1. REFTTEL REPORTED THAT SYRIAN AUTHORITIES HAVE NOT ALWAYS NOTIFIED EMBASSY PROMPTLY OF DETENTION OF US CITIZENS AND ALLOWED PROMPT CONSULAR ACCESS AFTER NOTIFICATION. EMB. INQUIRED AS TO HOW PROBLEM MIGHT BE SOLVED, SPECIFICALLY THROUGH NEGOTIATING BILATERAL CONSULAR CONVENTION OR ENCOURAGING SYRIANS TO ADHERE TO VIENNA CONVENTION ON CONSULAR RELATIONS.

2. DEPT POLICY IS TO PROMOTE RATIFICATION OF VIENNA CONVENTION AS AID, ALBEITH SOMETIMES LIMITED, TO IMPROVEMENT OF BILATERAL CONSULAR RELATIONS. WHILE, I  
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GENERAL, ENTRY INTO FORCE OF VIENNA CONVENTION PROVIDES STABLE LEGAL FRAMEWORK FOR CONDUCT OF RELATIONS, IT IS DEFICIENT IN CERTAIN IMPORTANT RESPECTS. THE MOST SIGNIFICANT DEFICIENCY LIES IN THE CONVENTION'S PROVISIONS ON NOTIFICATION AND ACCESS (ARTICLE 36). ALTHOUGH THE CONVENTION REQUIRES NOTIFICATION TO THE CONSULAR POST OF AN ARREST

OR DETENTION "WITHOUT DELAY", THAT TERM IS NOWHERE DEFINED FROM THE STANDPOINT OF A MANDATORY TIME PERIOD. IN ADDITION, THE RIGHT TO BE NOTIFIED ARISES ONLY IF THE

DETAINED PERSON "SO REQUESTS." WITH RESPECT TO ACCESS AFTER NOTIFICATION, AN EVEN LESS STRINGENT STANDARD OBTAINS UNDER VIENNA.

3. DEPARTMENT EXPERIENCE HAS BEEN THAT RELIANCE UPON THE VIENNA CONVENTION IS RISKY IN THOSE AREAS OF THE WORLD WHERE NOTIFICATION/ACCESS PROBLEMS ARE ACUTE. FOR THIS REASON, DEPT. HAS PROPOSED, AND BEEN SUCCESSFUL IN OBTAINING, SPECIFIC TIME PERIODS (DAYS AND/OR HOURS) IN THE MOST-RECENTLY CONCLUDED BILATERAL CONSULAR CONVENTIONS (ALL WITH EASTERN EUROPEAN COUNTRIES). EXPERIENCE TO DATE UNDER THESE CONVENTIONS HAS BEEN GENERALLY GOOD, AND A SINCERE EFFORT SEEM TO HAVE BEEN MADE IN MOST INSTANCES TO COMPLY WITH THE TIME REQUIREMENTS.

4. DEPARTMENT SUPPORTS EMBASSY IN ANY EFFORTS POSSIBLE TO CONVINCE GOS TO RATIFY VIENNA CONVENTION AND/OR COMPLY WITH THE LETTER AND SPIRIT OF ITS NOTIFICATION/ACCESS PROVISIONS. IF THIS APPROACH SEEMS UNPROFITABLE, DEPT., IN KEEPING WITH LONGSTANDING POLICY, WOULD LOOK FAVORABLY UPON NEGOTIATION OF BILATERAL, WHICH PROBABLY WOULD HAVE FAR GREATER IMPACT OF BOTH A PRACTICAL AND POLITICAL NATURE. EMBASSY'S FURTHER COMMENTS WOULD BE APPRECIATED.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LGEN  
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**Copy:** SINGLE  
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**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** HFSHAMWELL,JR  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Previous Channel Indicators:** n/a  
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**Previous Handling Restrictions:** n/a  
**Reference:** 76 DAMASCUS 7703, 77 DAMASCUS 7703  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 30 MAR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <30 MAR 2004 by hartledg>; APPROVED <06 APR 2004 by morefirh>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ACCESS TO DETAINED AMERICAN CITIZENS  
**TAGS:** CGEN, SY  
**To:** DAMASCUS  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006